

**Remarks**

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 75 and 79-81 have been cancelled without prejudice, and claims 72, 73, 83-88, 92, 93, 101, 102, 104, 105, 107, and 108 have been amended. Claims 72-74 and 82-108 are pending, with claims 82-108 presently being withdrawn.

The rejection of claims 72, 80, and 81 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,439,886 to Ikeyama et al. ("Ikeyama") is rendered moot with regard to claims 80 and 81, and is otherwise respectfully traversed. Because Ikeyama fails to teach polypeptides consisting of SEQ ID NO: 3 or SEQ ID NO: 5, the rejection of claims 72 is improper and should be withdrawn.

The rejection of claims 72, 75, and 79-81 under 35 U.S.C. § 102(b) as being anticipated by Ryu et al., "Domain Analysis of the Tetraspanins: Studies of CD9/CD63 Chimeric Molecules on Subcellular Localization and Upregulation Activity for Diphtheria Toxin Binding," *Cell Struct Funct* 25(5):317-327 (2000) ("Ryu") is rendered moot with regard to claims 75 and 79-81, and is otherwise respectfully traversed. Because Ryu fails to teach polypeptides consisting of SEQ ID NO: 3 or SEQ ID NO: 5, the rejection of claim 72 is improper and should be withdrawn.

The rejection of claims 72, 73, and 79-81 are rejected under 35 U.S.C. § 102(b) as being anticipated by Crossno, JT, Dissertation, Vol. 60(10B) (1999) ("Crossno") is rendered moot with regard to claims 79-81, and is otherwise respectfully traversed. Because Crossno fails to teach polypeptides consisting of SEQ ID NO: 3 or SEQ ID NO: 5, the rejection of claims 72 and 73 is improper and should be withdrawn.

Because claims 72-74 are allowable for the reasons noted above, applicants respectfully request withdrawal of the restriction requirement between claims 72-74 (i.e., product claims) and claims 82-108 (i.e., methods of using the subject matter of claims 72-74).

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: May 23, 2007

/Edwin V. Merkel/  
Edwin V. Merkel, Reg. No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1128  
Facsimile: (585) 263-1600